

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

RAEIS CONSTRUCTORS, LLC.)
 Plaintiff,)
)
v.)
)
)
CIRCLE K. STORES, INC.)
 Defendant.)

AMENDED JUDGMENT

No. 5:18-CV-240-FL

Decision by Court.

This action came before the Honorable Louise W. Flanagan, United States District Judge, for consideration of defendant's motion to dismiss, third-party defendant's motion to dismiss and motion to compel and plaintiff's notice of adoption of third-party defendant's motion to dismiss construed as a motion to compel arbitration and for voluntary dismissal of its claims in favor of arbitration. This action is also before the court on defendant's motion to clarify and amend order and judgment.

IT IS ORDERED, ADJUDGED AND DECREED in accordance with the court's orders entered December 13, 2019 and February 4, 2020, and for the reasons set forth more specifically therein, defendant's motion to dismiss is GRANTED for failure to state a claim and third-party defendant's motion to dismiss and motion to compel are GRANTED. Plaintiff's claims are DISMISSED WITH PREJUDICE. Plaintiff's notice of adoption of third-party defendant's motion to dismiss, which the court has construed as including a motion to compel arbitration and for voluntary dismissal of its claims in favor of arbitration, is DENIED. Defendant's claims against third-party defendant are DISMISSED in favor of arbitration in accordance with their arbitration agreement, and on the terms set forth herein. The court retains jurisdiction over defendant's claim against third-party defendant solely to appoint an arbitrator, if defendant and third-party defendant are unable to reach agreement. Defendant's counter-claim against plaintiff remains open and pending for adjudication.

This Judgment Filed and Entered on February 4, 2020, and Copies To:

Norwood Shelton Jones / John Bruster Lloyd (via CM/ECF Notice of Electronic Filing)
Christopher M. Hinnant / Sameer S. Karim / Tiffany A. Harrod (via CM/ECF Notice of
Electronic Filing)

Ross Andrew Cook (via CM/ECF Notice of Electronic Filing)

February 4, 2020

PETER A. MOORE, JR., CLERK

/s/ Sandra K. Collins
(By) Sandra K. Collins, Deputy Clerk